

**REMARKS**

In the Office Action, the Examiner noted that claims 1-22 were pending in the application; rejected claims 1-6, 9-13 and 16-20 under 35 USC § 102(e); and rejected claims 7, 8, 14, 15, 21 and 22 under 35 USC § 103(a). In rejecting the claims, U.S. Patents 6,484,137 to Taniguchi et al. (Reference A in the January 26, 2005, Office Action) and 5,809,454 to Okada et al. (Reference A in the July 20, 2004, Office Action) were cited. Claims 1-22 remain in the case. The Examiner's rejections are traversed below.

**Rejections under 35 USC § 102(e)**

In item 5 on pages 2-4 of the Office Action, claims 1-6, 9-13 and 16-21 were rejected under 35 USC § 102(e) as anticipated by Taniguchi et al. In rejecting claim 1, it was asserted that Taniguchi et al. discloses "thinning out the frame of the audio data or repeatedly outputting the frame prior to decoding of the audio data or with the audio data compressed" (Office Action, page 3, lines 3-5) in element 12-1-2 in Fig. 14 and presumably the block containing the legend "decode side information" in the lower right hand corner of Fig. 26. However, these blocks do not relate to the operation recited in claim 1. As noted in the language quoted above from the Office Action, claim 1 recites that the speed conversion operates on a frame of audio data "prior to decoding of the audio data or with the audio data compressed" (claim 1, line 5). As illustrated in, e.g., Fig. 14 of Taniguchi et al., the first operation performed on the MPEG audio bitstream is by frame unpacking means 101 which is described at column 11, lines 25-33 and column 25, lines 18-23 as separating a frame into its component parts. This would appear to include decompressing the data, since the output of frame unpacking means 101 is requantized by requantization means 102. The expansion/compression frequency control means corresponding to reference numeral 12-1-2 in the Fig. 14 does not operate on a frame of audio, but rather receives as input "speed rate information."

Although not clear from the description of Fig. 14, the configuration of the eighth embodiment illustrated in Fig. 14 is in principal the same as that of the first embodiment illustrated in Fig. 1. As described at column 11, lines 18-24, the first embodiment is "an example of an audio reproducing apparatus which performs time-scale modification process to **intermediate data** of an MPEG 1 audio bit space stream being decoded" (column 11, lines 18-21, emphasis added). Therefore, it is submitted that Taniguchi et al. does not teach or suggest "speed conversion ... prior to decoding of the audio data or with the audio data compressed" (claim 1, lines 4-5) and claim 1 is not anticipated by Taniguchi et al.

Claims 2, 9, and 16 all recite that the thinning of data is performed "prior to decoding of the audio data or with the audio data compressed" (e.g., claim 2, line 7). Therefore, it is submitted that claims 2, 9 and 16 and claims 3-6, 10-13 and 17-20 which depend therefrom patentably distinguish over Taniguchi et al. for reasons similar to those discussed above with respect to claim 1.

Furthermore, in rejecting the claim 2, it was asserted that Taniguchi et al. discloses "'a setting unit setting the reproduction speed of the audio data' (Fig. 1, element 2, playback speed detector)" (Office Action, page 3, lines 15-16). However, Fig. 1 of Taniguchi et al. which is described as "a block diagram showing an audio reproducing apparatus according to a first embodiment" (column 9, lines 65-66) does not include playback speed detector 2. Rather, Fig. 19 which is described as "a block diagram showing a prior art audio reproducing apparatus" (column 10, lines 48-49) includes a block with the legend "reproducing rate detecting circuit" identified by reference numeral 2. Both this prior art block diagram and Fig. 1 show the "speed rate" or "speed rate information" being supplied to the circuit and neither of these drawings disclose anything "setting the reproduction speed" as recited at line 5 of claim 2. Since claims 9 and 16 also recite setting the reproduction speed, it is submitted that claims 2, 9 and 16 and claims 3-6, 10-13 and 17-20 which depend therefrom further patentably distinguish over Taniguchi et al. for this additional reason.

### **Rejections under 35 USC § 103(a)**

In item 7 on pages 5-6 of the Office Action, claims 7, 8, 14, 15, 21 and 22 were rejected under 35 USC § 103(a) as unpatentable over Taniguchi et al. in view of Okada et al. As discussed in the Amendment filed October 20, 2004, Okada et al. does not disclose the limitation "prior to decoding of the audio data or with the audio data compressed" as recited in all of the independent claims. Therefore, it is submitted that claims 7, 8, 14, 15, 21 and 22 patentably distinguish over Taniguchi et al. in view of Okada et al. for at least the reasons discussed above with respect to the independent claims from which these claims depend.

### **Summary**

For the reasons set forth above, it is submitted that the references cited by the Examiner, taken individually or in combination, do not teach or suggest the present claimed invention. Therefore, it is submitted that claims 1-22 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 4/26/05

By: Richard A. Gollhofer  
Richard A. Gollhofer  
Registration No. 31,106

1201 New York Ave, N.W., Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

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STAAS & HALSEY  
By: Richard A. Gollhofer  
Date: 4/26/05